

MISCELLANEOUS NATIONAL PARKS BILLS

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

S. 1865

S. 2595

S. 1943

H.R. 1925

S. 2571

JULY 18, 2002



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MISCELLANEOUS NATIONAL PARKS BILLS

THURSDAY, JULY 18, 2002

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:34 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

OPENING STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

Senator AKAKA. The hearing will come to order.

I welcome all of you witnesses, as well as those who have interest in this. The purpose of this afternoon's hearing before the Subcommittee on National Parks is to consider several bills relating to existing or potential new units of the National Parks System.

The bills include two bills authorizing studies of lands in southern California for possible inclusion in the National Park System: S. 1865, sponsored by Senator Boxer, to authorize the study of the Lower Los Angeles River and the San Gabriel River watersheds; and S. 2571, Senator Feinstein's bill, to evaluate the feasibility of establishing the Rim of the Valley Corridor as an addition to the Santa Monica Mountains National Recreation Area; S. 1943, Senator Warner's bill, to authorize an additional 100-acre parcel of land to the George Washington Birthplace National Monument in Virginia; S. 2595, Senator Campbell's bill, to authorize the construction of a cultural center and related facilities on private land adjacent to Mesa Verde National Park in Colorado; and H.R. 1925 authorizing a study of the Waco Mammoth Site Area in Waco, Texas, for possible addition to the National Park System.

I understand that the Park System has concerns with the proposed Mesa Verde Cultural Center. The other bills either authorize studies for areas or provide for relatively minor changes to existing park boundaries. Other than S. 2595, I do not believe any of the bills will be particularly controversial, although we may need to amend some of the study bills to make them consistent with other studies the committee has authorized.

After we hear from any committee members who wish to make an opening statement, we will turn to our congressional witnesses. And so at this time, I will call on my colleagues on the committee.

Senator THOMAS IS HERE. He is the ranking member of the subcommittee. And I call on Senator Thomas for his opening statement.

Senator THOMAS.

[A prepared statement of Senator Feinstein follows:]

PREPARED STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

Good afternoon, Chairman Akaka and members of the Subcommittee. I appreciate the opportunity to testify before you today in support of Senate Bill 2571, the Rim of the Valley Corridor Study Act. As the author of the House version of the bill, I would like to express my gratitude to Senator Feinstein for her leadership on behalf of all Californians in introducing this legislation in the Senate.

S. 2571 would call for a study by the National Park Service of the feasibility and suitability of more than doubling the size of the Santa Monica Mountains National Recreation Area to include the Rim of the Valley Corridor consisting of areas of rare Mediterranean ecosystem. Since Congress set aside the Santa Monica Mountains National Recreation Areas in 1978, federal, state and local authorities have worked in remarkable cooperation to manage what is the world's largest urban park. Now, nearly a quarter-century later and in the face of tremendous projected population growth and development pressures, Congress, by passing this bill, again has the opportunity to help safeguard and supplement the existing state and local parks, open space and recreational opportunities in Southern California.

In addition to protected land, the Rim of the Valley Corridor encompasses private property. However, within the Santa Monica Mountains National Recreation Area, the Park Service is permitted to acquire private property from voluntary sellers or donors only and is prohibited from exercising the powers of eminent domain. Indeed, private ownership need not be incompatible with open space preservation efforts, and there are many good examples of private-public partnerships in the Santa Monica Mountains which have served to maintain the beauty of open space and preserve the rights of property owners.

It is my hope that the Rim of the Valley Corridor Study Act will embody a similar dream and vision—of a Southern California enhanced not only by what was built, but also by what was preserved. This legislation enjoys strong bipartisan support and the House version is supported by every Republican and Democratic Member of Congress whose district includes portions of the Rim of the Valley Corridor, including Representatives Howard Berman, David Dreier, Elton Gallegly, Howard "Buck" McKeon, Brad Sherman and Hilda Solis. I thank you for your attention, and ask for your support for the Rim of the Valley Corridor Study Act.

STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. Thank you, Mr. Chairman. I will try and be brief so we can get to Senator Warner as soon as possible. Thank you very much, and we welcome you here.

I just want to comment, while I have a chance, on a couple of bills that are under consideration today that have to do with studies in southern California. The Forest Service is already going through a planning process there in the Los Angeles area. I question the need for the Park Service to restudy the lands under the jurisdiction of the Forest Service.

A bill to study the Lower Los Angeles and San Gabriel River watersheds has merit, but I question making it a unit of the National Park as the best way to protect these resources. There are other ways, I think, to provide recreational opportunities for the citizens of this area aside from establishing it as a unit of the National Park System.

So I think a simple resource study would be more appropriate than a park study in that instance. And it should include the Corps of Engineers, as well as the Forest Service.

The Rim Valley Corridor for inclusion in the Santa Monica Mountains brings similar concerns. The Rim of the Valley consists of land within several forests, as a matter of fact. And I think they should be very much involved in it.

So in any event, I guess, generally, again, I think we have to have some criteria for what we do with parks and should be able to say "Here is something that is more appropriately something else." I guess that is part of the reason for the studies. But the Park Service ought not to, I think, individually be making studies of areas of this kind.

So we can talk about that later, Mr. Chairman. But I appreciate the opportunity to look at the bills today.

Senator AKAKA. Thank you for your statement.

Senator Campbell.

**STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S.
SENATOR FROM COLORADO**

Senator CAMPBELL. Thank you, Mr. Chairman. You mentioned that S. 2595 may have a little controversy, but, frankly, bills change. That is what this hearing process and the amendment process is all about. It is not going to be controversial when we get done with it. I can tell you that.

But I am very pleased that you called this hearing. And I am very happy to see Ms. Lori Mellon here from the Mesa Verde Park Foundation, who is going to testify.

Mr. Chairman, I live about 50 miles from Mesa Verde and visit there very often. It is really a marvelous place. It reflects more than 700 years of history. People lived there from about 1400 A.D.—I mean, from before pre-Columbian times through 1300 A.D. Eventually there, they built elaborate stone villages, which are now called cliff dwellings. And if you ever have an opportunity, you should visit them. They are one of the great wonders of the world, I think, a manmade wonder.

They lived in those cliffs just about the last 100 to 125 years that they were in there before, for whatever unknown reasons, they left. Some say they left because of the successive droughts. Other people have different varying opinions on why they left. But they left, and they left this complete town. Much of it had fallen into disrepair and ruins by the time it was rediscovered, so to speak. And the discoveries are still going on.

We had a massive fire in Mesa Verde just a few years ago. And that fire itself left hundreds, if not thousands, of new things that had not been discovered because of the brush, overgrowth, before that, to add to the treasure trove of artifacts that were already there.

The park was established in 1906 to prevent the injury or spoilation of the dwellings and artifacts where these prehistoric people had lived. And that purpose has expanded to aid the advancement of archeological science and to provide education and certain enjoyment for the tens of thousands of people who visit there every year.

Unfortunately, the mission has not been well served. I went over there a few years ago. It has been about six, I guess, now. And I was really rather alarmed to see that literally millions of these priceless artifacts, some that can deteriorate because they are made of vegetable matter, like sandals made by straw or some grass, were housed in a tin building, a big tin building; no climate

control, infested with mice and bugs, kept on shelves and kept in slide-out drawers.

Any museum in the world would have been delighted to get their hands on part of that treasure trove that was being housed on shelves and in slide-out drawers. But certainly, they would have taken better care of it than we are, because it should have been in a climate-controlled atmosphere. It is deteriorating, some of it, no question about it. That shed is no place to store 800-year-old corn, as an example, or different foods that they had grown in those days.

So this bill provides the Secretary of the Interior with the authority to collect and expend donated funds for the design and construction and associated costs to build a cultural center to address mission-critical needs to protect artifacts and archives in support of the Mesa Verde National Park.

This is not the first time that this has been done, by the way. Rocky Mountain National Park did something very similar to this just a few years ago. More recently, the general management plan, a 1988 plan, also talked about upgrading and doing this. The importance was documented in those plans. However, like so many good intentions, when we have a crunch of money; the Federal money is simply not available.

An environmental assessment was prepared for this project, and a decision document was signed in June of this year. The environmental assessment documents note that the archeological resources, historic resources, and legislatively protected scenery would impact the facilities, if they were built inside the park. The whole place is just a marvelous study area within the park itself.

Therefore, the assessment concluded that the preferable decision would be to place the facility to store and warehouse all these wonderful treasures, that it would be preferable to have it be on land that is contiguous to the park, but outside the park. And that is owned by the Mesa Verde Foundation, which is a nonprofit foundation.

I understand the administration's concern, but I want to assure my colleagues I want to avoid a time when we put a lot of money into something like this. We have seen our surplus disappear, and now we are at a deficit that I know all of us have to be very concerned about. But I really do believe that there are, there can be, checks and balances put in to ensure the Department is not left holding a financial bag.

For example, under this bill, the Department can work out milestones for enduring fiscal responsibility with the foundations. It does not require the Secretary to expend any money at all. It authorizes the Secretary to consider building the curatorial facility on Mesa Verde Foundation land as an option, rather than building it within the park.

So I believe it gives them some flexibility. And the Secretary, who I know very well since she came to Colorado since she has been in office, she has promoted creative funding through partnerships with private entities.

In fact, in a speech on June 7, she said, "With so many challenges facing our national parks, we cannot do the work alone. We need to form partnerships with individuals, organizations, and cor-

porations to appreciate, protect, and enhance the park." And this bill gives her the authority to develop that partnership, which she has already discussed.

The Mesa Verde Foundation and others have really accepted the Secretary's call and stepped forward to provide the funding to construct what I think is a much-needed facility. And as I mentioned, this is not the first time. In fact, one of our people who will be testifying used to be at the national park in Colorado, Rocky Mountain National Park. And there was a facility, as you know, there developed off the park. That bill was sponsored by Senator Allard, and I co-sponsored it. I am introducing this one, and he is co-sponsoring it.

But I know this authorization is not exactly the same as the construction authorized before, but I think the differences can be ironed out.

So I look forward to the testimony and want to tell the people from the administration and my colleagues that I intend to try and make sure that we make our differences acceptable to everybody who are dealing with this bill.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Campbell, for your statement.

Our first witness is Senator Warner, who is here to testify on his bill to expand the boundaries of the George Washington Birthplace National Monument.

Also, I know some of you may have scheduling conflicts. So feel free to leave after your statement is made.

Senator Warner, I want to welcome you to the subcommittee, and we look forward to your statement. Please proceed.

STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. Thank you, Mr. Chairman. And out of deference to the Chair and the distinguished members of the committee, Mr. Thomas, Mr. Campbell, I will be very brief.

I will very quickly say the following: It is interesting, and I never realized it, as many times as I have studied George Washington, but it was 1656 that his forefathers settled on a piece of land in Virginia. And in 1930, the Congress recognized the historic importance of this site, of his boyhood home, to the Nation and created the George Washington Birthplace National Monument.

Now the purpose of the legislation which I and my colleague, the other Senator from Virginia, Senator Allen, are putting in is to increase the existing land, which is roughly 394 acres, by 115 acres. That 115 acres is within the 1930 creation of the national monument. So it has already been recognized by Congress at one important juncture in 1930 as of importance. And today the request to this legislation is to provide the authorization whereby it can, as a purchase, take its queue in the waiting place for hopeful financing in the Park Service to achieve the actual transfer of title.

In the meantime, I am told by Mr. Botra, who I said is present in the hearing room representing the parties that I enunciated, this group is prepared to buy the property and hold it until such time

as the appropriations process hopefully yields the funds with which to buy the required land.

So I will not go into the further interesting historical perspective. But George Washington frequently went back to this piece of land out of his great fondness for it throughout his lifetime. It is unlike, interestingly, Robert E. Lee, whose home also is but 10 miles or so from this area. And for reasons which I am not sure, Robert E. Lee never got back to his birthplace again, even though to this day it is a magnificent structure, which was the home in which he was born. And it was lived in by his family for many, many years. So it is just an interesting twist of history.

I thank the Chair, I thank the members, and submit the testimony. I am happy to respond to any question that might come from the panel.

Senator AKAKA. Are there any questions?

Senator CAMPBELL. I have no questions, but certainly support this bill and Senator Warner. All of his efforts are well known here. He is a great friend, and I support his bill.

While you were talking about George Washington settling there in 1666, though, I whispered to my colleague, Craig Thomas, "What Indian did he take away that land from?" Craig, however, he told me, "Get over it." So I am going to get over it and support your bill.

[Laughter.]

Senator WARNER. I am out of here.

[Laughter.]

Senator AKAKA. Thank you very much, Senator Warner.

Senator THOMAS. After 400 years, he is still on it.

[Laughter.]

Senator AKAKA. Thank you.

Now we will hear from Congresswoman Hilda Solis with your statement. Thank you for being here.

STATEMENT OF HON. HILDA L. SOLIS, U.S. REPRESENTATIVE FROM CALIFORNIA

Ms. SOLIS. Thank you very much, Mr. Chairman and also ranking member Thomas and Congressman Campbell.

It is indeed an opportunity for me to be here today to present my bill and the version that Senator Boxer has presented, S. 1865, which deals with the Lower Los Angeles and San Gabriel River watershed study, an act that we are looking to provide assistance, Federal assistance, to an area, an urban area, in Los Angeles that I happen to represent. Well over 2 million reside along this particular river and the Lower Los Angeles area.

We are talking about individuals there that do not have the luxury of open space because it is over-developed. And I am fearful that in the next decade, because of overpopulation in Los Angeles County and that basin, that fewer opportunities will be available for working families. Our community has been neglected. We currently have three Superfund sites there. Our watershed is contaminated. We have high levels of smog. We are trying to deal with those issues.

And one of the things that I believe my constituents and others that have been supportive of this legislation on is that they would

like to see some intervention on the part of the Federal Government. And I mean that in a way that they would be able to provide recreation, restoration, and ability to enhance what little open space is left there.

According to studies that I have seen, we should have at least three acres or more for families in our area. Given that number, it is very small for many of the residents that represent the area that we are talking about. And I have a map that I would like to show you.

And maybe if you can bring that up closer, staff.

The purple area, the large block that you see there, is actually the Angeles National Forest. So the gentleman, Mr. Thomas, makes a good point about the involvement of the Federal Government and the Forest Service. Currently, they cover that particular area.

The purple line that runs from below the foothill there all the way to the ocean is the river that we are talking about. And it kind of branches off. There is actually a fork there, the Lower Los Angeles River. And we are talking about a very densely populated area.

But the portion that is pretty open and still natural is the area that I represent, the Upper San Gabriel River. I have no intention of creating problems for the Army Corps of Engineers or the flood basin that we currently know exists there, because the Federal Government has been involved for many, many years, 20 or 30 years now. I would be willing to work with them and also with the Forest Service to see how we can begin to address what habitat we have available so that people can enjoy what limited space is there.

Of course, this is a study. I would hope that we could involve all the stakeholders. I have attempted to work with all of our cities and those at the lower part of both rivers. And I know that some of them are very concerned because they feel that the Federal Government may come in and require acquisition of their lands.

I have worked in the past few years as a State Senator in California to create a State conservancy that models that. We currently have the Federal Government involved in that aspect. So their presence is already there and felt.

However, the one part that is missing is the part where the Federal Government actively can take a role and put resources there. We need tourism dollars. We need rehabilitation dollars. We need restoration. People want bike trails. People want areas to recreate, to have picnics.

As a child, if I could explain to you, families like mine and others were not able to go to Yosemite, to Sequoia and to other places because of limited resources. I come from a large immigrant family. What we would do was go up to our neighboring creeks and the forests there. And we would spend our time there and our vacation period being together and really being able to appreciate the open space that we had.

Knowing that there is still some semblance of that, I think it is a priority for the Federal Government to take a look at this particular area. We have done it in other parts of the country, in New York and in Minnesota, where we do have urban parks.

Now I would just like to say that I realize that the survey is done, that perhaps there might be a decision made that this would

be a historical trail or a heritage park, or it may just be that the Forest Service is the better component or agency to take over this kind of responsibility.

Lord knows we need more resources there. As it is now, our Forest Service now in the Angeles National Forest is severely underfunded. I would welcome any discussion on that manner.

And thank you, Mr. Chairman. I would be willing to answer any questions, and you have my testimony.

[The prepared statement of Ms. Solis follows:]

PREPARED STATEMENT OF HON. HILDA L. SOLIS, U.S. REPRESENTATIVE
FROM CALIFORNIA

Chairman Akaka, Ranking Member Thomas, and Members of the Committee, I would like to thank you for holding this important hearing today and giving me the opportunity to testify on this bill which means so much to my community.

S. 1865, the Lower Los Angeles and San Gabriel Rivers Watershed Study Act, would direct the National Park Service to study the Lower Los Angeles River, the San Gabriel River and portions of the San Gabriel Mountains for potential NPS designation. This bill could provide the framework for the future of our regional rivers and could eventually provide recreational and environmental opportunities for more than two million residents.

Rivers and mountains have served as the lifeblood of the San Gabriel Valley since the Gabrieleno Indian Tribe first settled there many centuries ago. However, in the modern age, the area has been threatened by development, industry and neglect. I am hopeful that this bill will serve as the first step in redefining the San Gabriel Valley and exploring ways that we can protect and revitalize our natural resources.

My community is 60% Latino and 30% Asian. We have an extremely high unemployment rate and most would assume that our main concern is putting food on our tables. However, with three Superfund sites within 31 miles, 17 gravel pits that resemble moon craters, and a watershed that is among the dirtiest in the nation, one of our priorities is the environment. The Park Service designation would benefit some of the poorest of our society who breathe polluted air and live next to super-highways. This will allow our children to enjoy and learn about our natural resources.

The city of New York sets aside nearly 26 percent of its area as open space; Los Angeles residents have a meager 10 percent, according to a 2001 study by the Trust for Public Land. According to the University of Southern California's Sustainable Cities Program, three to four acres of open or green space are needed per 1,000 people for a healthy environment. Unfortunately, in the San Gabriel Valley, there is less than one half acre of land per 1,000 people. I fear that this statistic will become more alarming as the population of Los Angeles dramatically increases in the coming years. Lack of open space doesn't just mean decreased recreational opportunities. As you know, areas without open or green space have greater incidences of cardiovascular disease, asthma, diabetes, infant mortality, birth defects and cancer.

The National Park Service now operates several urban parks that are similar to the area I am requesting to be studied, such as those in Atlanta, GA, the heart of the New York Metropolitan area, San Francisco, CA, and the Twin Cities Metropolitan Area in Minnesota. This study could be the foundation for a park that will follow the lead of these original urban parks and provide, working families in my community with the environmental and recreational opportunities that over-development often prevents.

Cities, county agencies, environmental organizations, neighborhood associations and ordinary residents are going to the riverside to work on parks, landscaping and bike paths. The dedication to revitalizing our rivers has inspired the creation of nine local conservancies in the Los Angeles area that are kept afloat by state, local and private funds. These conservancies are charged with cleaning up abandoned areas, buying and preserving what is left of our natural beauty, revitalizing the area and providing recreational and educational opportunities for residents.

Federal input and future potential designation by the National Park Service will help these groups restore the San Gabriel Valley for both the environment and recreation. In addition to providing funding, preservation and recreational areas, it will also protect several historically and nationally significant areas.

The El Monte Rurban Homesteads are one example of a historically significant area. In 1933, many citizens of Los Angeles County had an annual family income that was only between \$600 and \$1,000, even though they were employed. President

Franklin Roosevelt devised a program to build simple homes on small plots of land that could be intensely cultivated in order to supply the families with their major food requirements. These were known as subsistence homesteads—also called “rurban” homes in recognition of their rural and urban nature. Some of these homesteads still stand on the banks of the San Gabriel River today. They were the beginning of the government’s effort to help families devastated by the Depression and also the inspiration for modern public housing.

Another example of this region’s significance is a natural formation known as Eagle Rock in the San Gabriel Mountains. According to geologists, the rock and its eagle-like indent were formed about 10 to 15 million years ago. This area was first inhabited by the Gabrieleno Indian Tribe and has served as a site for church ceremonies, educational hikes and community events for centuries. The famed bandit Tiburcio Vasquez also occupied the rock in the days before his final robbery and capture in 1874.

There are also some areas that are havens for hikers, bird watchers, and other nature enthusiasts. The Whittier Narrows Recreation Area along the San Gabriel River has 296 species of birds, 230 types of plants and 24 kinds of animals. In the San Gabriel Mountains, the river runs close to wild. Anglers can still catch trout, bass, bluegill, carp, catfish and other varieties in the San Gabriel River or its lakes.

The river will always be a flood-control channel, constrained by concrete to protect more than 150,000 working-class households on the flood plain. But we can start making better use of this area by planning and prioritizing recreational opportunities. By protecting our past, we can also help to preserve the future. The Lower Los Angeles River, San Gabriel River and San Gabriel Mountains provide many historically and nationally significant areas that deserve the protection of the National Park Service.

I thank the Chairman, Ranking Member and the Committee for your time and would be happy to answer any questions.

Senator AKAKA. Thank you for your testimony.

Are there any questions from the committee?

Senator THOMAS. Just a couple, if you please.

As you have indicated, some of these resources are under Federal jurisdiction now, managed by the Forest Service and the Corps of Engineers. The area that you talk about, according to the background here, is approximately 16 cities and several unincorporated communities, private land, State land, municipal land, Corps of Engineers. It does not sound like a park is the appropriate assistance that might be needed there for small pieces of open space.

Would it not make sense to perhaps use those agencies that are there and let them study to work towards your goal? It is not going to be a park, is it?

Representative SOLIS. I think that a study would help to determine what it could be. As I said earlier, there is a possibility that it could be designated as a heritage park, because we have significant historical sites along this river and different developments that have been going on for many, many years.

I know that the Park Service would collaborate. My understanding, as a member on the Resources Committee in the House, we are often asking the National Park Service “What kind of input, what kind of outreach do you do to the communities to assure that we have a balanced approach?” And whatever recommendation, I am sure, they come up with will be appropriate.

And as I said earlier, I have no intention of disrupting the current movement that is taking place now out in those communities. It is more to help replenish, restore, and give the cities and municipalities a chance to maybe go after some of this assistance that the Federal Government can provide, whether it be the Forest Service or the National Park—

Senator THOMAS. I guess the principal purpose is to get the assistance.

Representative SOLIS. Yes.

Senator THOMAS. Would you be satisfied with a resource study?

Representative SOLIS. I am sure we could work that out. Yes.

Senator THOMAS. Thank you.

Representative SOLIS. Thank you. Thank you very much.

Senator AKAKA. Thank you.

Any further questions?

Senator CAMPBELL. I have no question about the bill, Mr. Chairman. I am just trying to get my bearings on the area there, because I have been out in that area some.

I am sorry we did not get to serve there when I was on the House side, Congresswoman Solis. But whose district was that before you? Because I knew some of them by—

Representative SOLIS. Matthew Martinez.

Senator CAMPBELL. Oh, is that right?

Representative SOLIS. And Estevan Torres.

Senator CAMPBELL. And Estevan.

Representative SOLIS. Yes. And I currently have the support of my colleague, Adam Schiff, on the bill and also Grace Napolitano. And we are working with many of the stakeholders and the local elected, the State Assembly representatives down there. And I did attach some photos. So you can kind of see in your packet of what it looks like in the area that is still untouched.

And if I could just mention, centuries ago this area belonged to the Gabrielino Indians. This is—and they are also very much supportive of this legislation and have been very helpful.

Senator CAMPBELL. Thank you. Appreciate it.

Senator AKAKA. Thank you very much, Congresswoman Solis. Thank you for your testimony. Thank you for being here.

I would like to call now on Congressman Adam Schiff for your testimony.

STATEMENT OF HON. ADAM SCHIFF, U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. SCHIFF. Thank you, Mr. Chairman, members. I appreciate the opportunity to testify before you today on S. 2571, the Rim of the Valley Corridor Study Act. As the author of the House version of the bill, I want to express my gratitude to Senator Feinstein for her leadership on this issue in introducing the bill here in the Senate and for Senator Boxer's strong support, as well.

This bill calls for a study, as well, by the National Park Service of the feasibility and suitability of expanding the Santa Monica Mountains Recreation Area, a currently existing large recreation area established in 1978, to include the Rim of the Valley.

When the Santa Monica Mountains Recreation Area was established in 1978, it was one of the largest urban parks in the Nation. And it still is. Since 1978, however, the population in Los Angeles has exploded. Now one out of every ten Americans lives in southern California. It is quite an astounding statistic.

This bill would take a currently State-designated area of the Rim of the Valley and study whether all or some portion of that Rim of the Valley should be added to the Santa Monica Mountains

Recreation Area. Since the population has grown so dramatically since this area was originally established, we are looking for ways to preserve open space in a ratio proportionate to the growth in the population.

The southern California area now has the lowest ratio of park and rec land per 1,000 in population. So we are very underserved in terms of our open space needs in southern California.

The Rim of the Valley includes, for those of you who are familiar with this part of southern California, the Santa Monica Mountains, Santa Susana Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills, and adjacent connector areas in Los Padres and San Bernardino National Forests.

The bill also covers areas within the Rim of the Valley which are a very rare environmental treasure. In fact, one of, if not the most, endangered habitat areas in the world, Mediterranean Chaparral ecosystem, exists in this area. The only other place you can find that, believe it or not, is in South Africa. So it is an environmentally sensitive area. It is an area with extraordinary human demand for open space and recreation uses.

The bill has very strong bipartisan support in the House. Every member in the region, Howard Berman, David Dreier, Elton Gallegly, Buck McKeon, Brad Sherman, my colleague Hilda Solis, as well as our two Senators, are all cosponsors of the bill. So we have a strong bipartisan group of support to study the concept.

And I think, Senator Thomas, you asked a very good question.

We undertook the same analysis. I know Representative Solis did when we were drafting this bill, and that is, is this the right designation? Should it be part of a recreation area? Would it be more appropriate as a heritage area or a scenic area or part of the Forest Service?

And we thought this was the best and most promising area to study. But we do not know the answer. Part of what we are hoping that the study will determine is, does this make sense? And it may be that only some portion of this area should be included in the Park Service and other areas properly excluded. But we think that, given the strong support we have from the local communities, as well as the congressional delegation, and we have established an advisory committee that is made up of representatives of the city councils, of the board of supervisors, of all the communities affected that would all give input on, "Yes, this should be a part that affects us" or "No, it should not be a part."

We hope that we can do a thoughtful study. The study usually takes about 3 years. It is not a rush project. But we hope in our generation to do what the generation did 25 years ago in establishing this recreation area, and that is to think ahead. We have an opportunity to maintain this resource. We may not have that 25 years from now, if we do not act today.

So I appreciate the issues that you have raised and the time that you have spent on the bill. And I would be delighted to answer any questions.

Senator AKAKA. Thank you very much.

Are there any questions from the committee? Senator Thomas?

Senator THOMAS. Well, Congressman, I appreciate your comments on it. This is a very large recreation area now. It is my un-

derstanding that that portion of it on the rim is largely the Forest Service at this time.

Mr. SCHIFF. Senator, there is a significant portion within the Rim of the Valley that is Forest Service. But one of the things that the study may conclude is that all the areas outside of the Forest Service are appropriately within the recreation area, and the Forest Service should be kept separate and distinct. We could have drafted it to conduct the study that way. But that is certainly one very possible scenario.

Senator THOMAS. Well, you know, we are just trying to find the best way to move forward with what you are seeking to do. And whether it is a park approach or whether—I mean, the Forest Service already controls it and so on. But I think we will take a look at it some more.

Mr. SCHIFF. And to be quite honest, Senator, the area that is within the Forest Service is the area of least concern to me, because it already does have the protection of the Forest Service.

Senator THOMAS. Exactly.

Mr. SCHIFF. And if it were of interest to the committee, I would be happy to remove that portion from the study. It may be that the Department of the Interior would remove it on their own, or it might for reasons they conclude that it is properly within that park area as well. But that is, I think, the least needing of protection, because it already has a designation.

Senator THOMAS. Sure. I guess that is my point. We are going kind of back over the same thing, which is already there. This is 150,000 acres in downtown Los Angeles.

Mr. SCHIFF. Well, Senator, it is not quite downtown. I mean, it—

Senator THOMAS. Between downtown and the Pacific Ocean.

Mr. SCHIFF. Not precisely, but the—it is basically north and east of downtown Los Angeles. The ocean is more to our west, although it does go to the west as you point out. The main concern that we have is the areas that are within the Rim of the Valley now that are largely public areas, not within the Forest Service, and the adjacent private areas could be preserved for future generations in a cooperative relationship with the private sector, with the public sector. But it is a window that is closing. The population growth has been tremendous. And we feel a compulsion to act before that window is shut.

Senator THOMAS. I understand. And I support that. I just want to make the point that, as we look at potential parks, there are criteria. There are other methods of having land protected. We now have a backlog of parks that we are not able to take care of. You are asking for a half-million-dollar study here, probably three years before there is any money available for studies.

So, I think it is one thing to just be here and approving everything. It is another to take an overall look at where we want to be over time and the kinds of things that we want to set aside.

I do not mean to be argumentative about it, because this may be a good place. But I am just saying I do not think we just go into every place and suddenly make it a park. There ought to be some conditions and criteria for what parks are. And there are lots of

other opportunities for preserving lands, in addition to being parks or recreation areas.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you.

Are there further questions?

Senator CAMPBELL. No, Mr. Chairman.

Senator AKAKA. I want to thank the witnesses very much for their testimony. And it certainly will be helpful to the committee. Thank you.

I would like to call on our next two witnesses, Randy Jones, the Deputy Director of the National Park Service, who will testify on the administration's position on all of the bills; and Lori Mellon, the executive director of the Mesa Verde Foundation in Colorado.

Because there are only two of you testifying today, why do you not both sit at the table?

I would like to remind both of you that the text of your written statements will be included in its entirety in the hearing record. So please feel free to summarize your remarks.

Mr. Jones, we will begin with your testimony. Please proceed in whatever order you prefer. We will ask questions on all of the bills after you and Ms. Mellon have completed your statements.

You may proceed.

**STATEMENT OF DURAND JONES, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. JONES. Thank you, Mr. Chairman. And I will summarize our position on all of these bills for you.

Senator AKAKA. Thank you.

Mr. JONES. Thank you for the opportunity to present the Department's views on S. 2595. The bill would allow Mesa Verde National Park to enter into a partnership with the Mesa Verde Foundation to raise funds to construct and operate a Mesa Verde cultural center on lands located outside the park on lands owned by the Mesa Verde Foundation.

The Department recognizes the needs that the bill is seeking to address. However, the Department cannot support this bill, because it would circumvent our process for identifying park priorities and eliminating the deferred maintenance backlog in our national parks.

The park has had a very successful partnership with the Mesa Verde Foundation. And they have been working together on the cultural center concept for many years. However, there are a number of unresolved issues remaining, including the location of the center, the amount of funding that would be required from the National Park Service, and the relationship of the center to other Service-wide priorities. Given the proposed cost of up to \$50 million, at least a portion of which would come from appropriated funds, we feel that more review is necessary before we can recommend proceeding at this time.

S. 2595 would authorize the Secretary to collect and expend donated funds and expend appropriated funds for the design, construction, maintenance, and operation of a cultural center and related facilities. While we recognize the deficiencies the bill seeks to address, particularly concerning inadequacies associated with the

current curatorial facilities—and Senator Campbell quite eloquently and correctly described our urgent need for providing appropriate curatorial facilities—as we continue to make progress on the maintenance backlog, we will begin to identify additional high-priority needs for further action. Addressing the curatorial needs at Mesa Verde will likely emerge as a significant priority for the National Park Service’s ongoing review process. We look forward to working with Senator Campbell and the committee in addressing this deficiency.

Proceeding on to S. 1865, a bill to study the Lower Los Angeles River and San Gabriel watersheds in the Los Angeles Basin: The Department does not oppose this bill. However, the Department did not request additional funding for this study in fiscal year 2003. There are currently 34 studies pending in the National Park Service, of which we expect to transmit 4 to Congress by the end of 2002.

In addition to S. 1865, Senator Feinstein has introduced S. 2571, a bill to evaluate and study the suitability of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area. These bills affect nearly adjacent territories in the Los Angeles Basin and affect nearly identical large constituencies. Combining the planning effort to evaluate both areas at one time would not only be less confusing to the public, but we feel also would be much more cost effective for the Government.

Since the study of the San Gabriel and Lower Los Angeles Rivers is estimated to cost approximately \$500,000, there could be considerable efficiencies gained by combining and narrowing the focus of these proposed studies. This study will address habitat quality, access to urban open space, low impact recreation and educational uses, wildlife and habitat restoration, and protection of the watershed improvements along the Los Angeles and San Gabriel watersheds, as well as the Valley of the Rim corridor surrounding the San Fernando and La Crescenta Valleys.

The watershed of the Los Angeles and San Gabriel Rivers contains important natural and recreational resources, which are disappearing in the county. We do feel, as Senator Thomas has pointed out, that there is extensive Forest Service land in this area. We feel the Forest Service is doing an excellent job in managing their lands. And therefore, we think that the nature and the extent of the study should be looked at to—we think the National Park Service has expertise we can bring to the table, but we also feel that the Forest Service needs to be a key player, as do other agencies.

The Los Angeles River and San Gabriel River watershed is adjacent to the Los Angeles National Forest and contains State, county, and local parks within. The recreational experience would be heightened by the establishment of trail connections and linkages for the urban populations of Los Angeles, as well as for visitors.

Moving on, S. 2571 directs the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area. The Department does not oppose this bill. But because the study area includes a significant amount of U.S. Forest Service lands, we believe

the bill should be amended to authorize a joint study with the Department of Agriculture.

A combined study would assess habitat quality, access to urban open space, low impact recreation and educational uses, wildlife and habitat restoration, and protection of watershed improvements along the rivers. The study would outline public-private partnerships. We feel that the scope of the study also should not be just looking as to whether these should be units of the National Park System but to, in fact, look at a variety of private-public ways and partnerships that could be used to accomplish what the study identifies as critical needs.

The Department feels that the provision of S. 2571 that establishes a 17-member advisory commission is unnecessary. Any special resource study undertaken by the National Park Service automatically entails public outreach with members of the public and local governments, extended comment periods, and more complex analyses, because issues and options in a large urban area with such a diverse and extensive group of stakeholders at all levels of government would be considered. S. 1943, a bill to expand the boundary of George Washington Birthplace National Monument, the Department supports the enactment of this bill. The bill would authorize the addition of approximately 115 acres to the National Monument, the Muse property. It also authorizes the Secretary to acquire lands or interests in lands within the boundary from willing sellers by donation, by purchase with donated money or appropriated funds or by exchange.

The acquisition of the Muse property is essential to the viability of this nationally significant resource. In the truest sense, this piece of property is the hole in the doughnut because park land already surrounds it. And it has significant cultural attributes that complement the purposes of the National Monument. We feel it would be an excellent addition to the monument.

The proposed legislation would include within the park boundary a privately owned parcel of land comprising 115 acres known as the Muse tract, which is completely surrounded by the park, the Potomac River, and Popes Creek. This tract has been farmed by the Muse family since 1668, was contemporary with the Washington family farm, and is historically significant since it is directly connected with the plantation.

The Muse family has indicated their willingness to be included within the park boundary for eventual acquisition by the National Park Service or park partner. It is our understanding that the Trust for Public Lands has an option on the property at this time.

Finally, the last one, Mr. Chairman, is H.R. 1925. The bill would require the Secretary to conduct a study to determine the national significance, suitability and feasibility of designating the Waco Mammoth Site in Waco, Texas, as a unit of the National Park System. H.R. 1925 passed the House of Representatives on May 14, 2002. The Department supports this bill.

H.R. 1925 calls for the completion of a special resources study of the Waco Mammoth site that determines the national significance, suitability and feasibility of designating the site as a unit of the National Park System. Baylor University has been investigating this site since 1978 after hearing about bones emerging from erod-

ing creek banks that led to the uncovering of portions of five mammoths. Since then, several additional mammoth remains have been uncovered, making this the largest known concentration of mammoths dying from the same event. The opportunity to provide important knowledge about paleontological resources is significant. We feel this is an important study to complete.

Mr. Chairman, this completes my formal statements on these bills. I would be happy to answer any questions you may have.

Senator AKAKA. Thank you very much.

[The prepared statement of Mr. Jones follows:]

PREPARED STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 1865

Mr. Chairman, thank you for the opportunity to present the Department's views on S. 1865, a bill to study the lower Los Angeles River and San Gabriel watersheds in the Los Angeles Basin. On June 13, 2002, the Department testified before the Subcommittee of National Park, Recreation and Public Lands, of the House Committee on Resources, on an identical bill, H.R. 2534, which had been introduced by Congresswoman Hilda Solis.

The Department does not oppose the bill. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 34 studies pending, of which we expect to transmit 4 to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to reduce the deferred maintenance backlog. As such, the Department will identify all acquisition, one-time and operational costs of the proposed site. At this time, those costs are unknown.

In addition to S. 1865, Senator Feinstein has introduced S. 2571, a bill to evaluate and study the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of Santa Monica Mountains National Recreation Area. These bills affect nearly adjacent territories in the Los Angeles basin and affect nearly identical large constituencies. As any study would include a public involvement component, combining the planning effort to evaluate both areas would not only be less confusing to the public but also more cost-effective for the government. Since a study of the San Gabriel and Lower Los Angeles Rivers is estimated to cost approximately \$500,000, there could be considerable efficiencies gained by combining and narrowing the focus of these two proposed studies.

While some familiar with the Lower Los Angeles River and San Gabriel River watersheds may think of them as concrete-lined ditches, the rivers provide an important opportunity for low-impact recreation for many urban residents in adjacent communities. Several successful efforts have already been undertaken to provide bikeways and hiking areas along the river's banks. Additionally, small tracts of green space have been acquired to provide outdoor recreation opportunities in the form of playgrounds for children, picnic areas, benches for rest and respite from the urban environment and for areas to walk and bicycle. Many areas have been replanted with a variety of native vegetation to enhance the local environment.

This study will assess habitat quality, access to urban open space, low-impact recreation and educational uses, wildlife and habitat restoration and protection and watershed improvements along the Los Angeles and San Gabriel watersheds as well as the Valley of the Rim corridor surrounding the San Fernando and La Crescenta Valleys. This latter corridor consists of portions of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and the connector to Los Padres and San Bernardino National Forests.

The National Park Service has some familiarity with the region and these watersheds. Our National Park Service Rivers and Trails Conservation Assistance Program continues to have interaction with communities along the Los Angeles River and has provided technical assistance for outdoor recreation potential. Additionally, the Santa Monica Mountains National Recreation Area protects for 153,750 acres while providing recreational opportunities for approximately 530,000 visitors annually.

The watershed of the Los Angeles and San Gabriel Rivers contains important natural resources, which are disappearing in Los Angeles County. The continuous

greenbelt corridors serve as habitat for breeding, feeding, resting or migrating birds and mammals, while allowing migration to take place around and amongst the urban areas. The higher reaches of the watershed also contain significant examples of rock outcroppings, as well as native vegetation.

This area has a rich cultural heritage, which is evident by the approximately 9 properties within the boundaries of the study area on the National List of Historic Places and 96 properties on the state register of historic places. These properties weave a rich tapestry of the cultural history of the area and include Mission San Gabriel Archangel, the mission founded in 1771 by the Spanish missionaries who were moving up the coast of California; Mission San Fernando Rey de Espana, founded in 1797; Merced Theatre, the first building built expressly for theatrical purposes in Los Angeles, dating back to 1870; Lummis House, constructed by Charles F. Lummis, an author, editor, poet, athlete, librarian, historian and archeologist during his life from 1859-1928; Los Encinos State Historic Park, used as a headquarters by the Franciscan padres before they built Mission San Fernando; Angeles Flight Railway, which was an incline railway built in 1901 to carry residents up the hill from the downtown shopping district; and Alvarado Terrace Historic District, which includes 12 buildings displaying prime examples of architecture and social history from 1900-1924.

The Los Angeles River and San Gabriel River watershed is adjacent to the Angeles National Forest and contains state, county and local parks within. The recreational experience would be heightened by the establishment of trail connections and linkages for the urban populations of Los Angeles, as well as for visitors. These connections would also allow users to leave the populated areas and connect to the prime natural areas in the region. These trails would be used for hiking, mountain biking, nature study and bird watching.

A study will outline public-private partnerships, which are core to preserving large tracts of open space such as are included in this study. The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) was established as an independent State agency within the Resources Agency of the State of California in 1999. It was established to preserve urban space and habitats in order to provide for low-impact recreation and educational uses, wildlife and habitat restoration and protection and watershed improvements. The RMC has brought diverse groups together to work in partnership to protect the precious resources within these two watersheds.

Any study that is undertaken along the San Gabriel and Lower Los Angeles Rivers will involve extensive public meetings, extended comment periods and more complex analyses because issues and options in a large, urban area with such a diverse and extensive group of stakeholders at all levels of government would be considered.

This concludes my testimony. Thank you for the opportunity to discuss this issue and I would be willing to answer any questions you may have on this issue.

PREPARED STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 1943

Thank you, Mr. Chairman, for inviting the National Park Service to present its views on S. 1943, a bill to expand the boundary of George Washington Birthplace National Monument. The Department supports the enactment of this bill.

This bill would authorize the addition of approximately 115 acres to the National Monument (Muse property). It also authorizes the Secretary of the Interior to acquire lands or interests in lands within the boundary from willing sellers by donation, by purchase with donated money or appropriated funds or by exchange. Finally, it directs the Secretary to preserve and interpret the history and resources associated with George Washington, and the generations of the Washington family who lived in the vicinity, as well as their contemporaries, along with 17th and 18th century plantation life and society. Land acquisition costs are estimated to be \$700,000. Operational costs are estimated to be \$20,000 per year.

The Department remains committed to the President's Initiative to reduce the maintenance backlog of the National Park Service. While the Department recognizes that this legislation may divert funds from this effort, the acquisition of the Muse property is essential to the viability of this nationally significant resource.

George Washington Birthplace National Monument was established as a unit of the National Park System in 1930 to preserve the grounds and structures associated with the birthplace of George Washington. It was here, along the lower reaches of the Potomac River that the man who was to become our Nation's first president was born in 1732. At that time, this site was known as Popes Creek Plantation, owned and operated by George Washington's father, Augustine Washington. The park is

part of a cultural landscape that has remained rural 270 years after George Washington's birth. Located in Westmoreland County, Virginia, the National Monument includes a memorial mansion with a kitchen, farm buildings, various outbuildings, an 18th Century working farm, and a visitor's center. The park also contains woodlands, wetlands, and agricultural fields. Even today, descendants of the Washington family continue to live in the area.

This proposed legislation would include within the park boundary a privately owned parcel of land comprised of approximately 115 acres, known as the Muse tract, which is completely surrounded by the park, the Potomac River, and Popes Creek. Park roads provide the only access to this neighbor's land. This tract has been farmed by the Muse family since 1668, was contemporary with the Washington Family farm (Popes Creek Plantation), and is historically significant since it is directly connected with the plantation. Acquisition of this tract is vital to the integrity of the park and would prevent development that could degrade the park's pastoral setting and significant natural and cultural resources. The park's 1968 Master Plan contained a land acquisition plan showing fee acquisition of this privately owned tract and indicated that the Muse property could be used for historic farming or could be planted to retain the appearance of a cultural landscape.

The boundaries of the National Monument have been modified numerous times since the first memorial was erected at the site in 1896. The park presently contains about 550 acres. For generations, the surrounding community has been a partner to the National Park Service in the protection of George Washington's birthplace. Many of the landowners, such as the Muse Family, come from families that have for generations farmed the fertile soils of Virginia's Northern Neck. It is only in the recent past that the area has started to change. Recreational use, vacations homes, and commuters to Washington D.C. and Richmond have increased the local population significantly creating development pressure that is beginning to encroach on the park. If the Muse tract is not acquired there is potential for commercial development that would directly threaten park values since the tract is surrounded by parklands. The Muse family has indicated their willingness to be included within the park boundary for eventual acquisition by the National Park Service or a park partner. The demand for land in the surrounding area is so significant that there is little doubt that the peaceful setting, the pastoral charm, and the quiet dignity of the tombs of several generations of Washingtons would be destroyed by the intrusion of modern development within the park without this legislation. Recently, a one-acre parcel of land that was proposed to be included within the park was sold.

The National Monument also contains significant natural resources. The Muse tract includes half of the Digwood Swamp (a known bald eagle habitat and nesting area), extensive grasslands, riparian and upland forests, marshes, beaches, and cliffs (most likely with significant archaeological artifacts from the Woodland and Colonial periods as well as paleontological resources) and shares the shores of Popes Creek with the park. All are relatively pristine in nature and intact ecologically. These habitats are important to wildlife found within the park that use surrounding areas as conveyances to and from feeding, resting, and breeding areas. The preservation of this national treasure can only be accomplished by including the Muse tract within the boundary of the park.

The proposal to add the Muse property to the National Monument is supported by the Westmoreland County Board of Supervisors, the Chantilly Chapter of the Daughters of the American Revolution, the National Parks Mid-Atlantic Council, the George Washington Birthplace National Memorial Association, and most importantly, the owners of the property.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

PREPARED STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2571

Mr. Chairman, thank you for the opportunity to present the Department's views on this bill to study the Rim of the Valley in the Los Angeles region. S. 2571 directs the Secretary of the Interior to conduct a Special Resource Study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of Santa Monica Mountains National Recreation Area.

The Department does not oppose this bill. However, because the study area includes a significant amount of U.S. Forest Service lands, we believe that the bill should be amended to authorize a joint study with the Department of Agriculture. The Department did not request additional funding for this study in Fiscal Years

2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 34 studies pending, of which we expect to transmit 4 to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to reduce the deferred maintenance backlog.

As such, the Department will identify all acquisition, one time and operational costs of the proposed site. At this time, those costs are unknown.

Senator Boxer also has introduced S. 1865, a bill to evaluate and study the suitability and feasibility of nearby lower Los Angeles River and San Gabriel River Watersheds. These bills affect nearly adjacent territories in the Los Angeles Basin and affect nearly identical large constituencies. As any study would include a public involvement component, combining the planning effort to evaluate both areas would not only be less confusing to the public but also more cost-effective for the government. Since a study of the Rim of the Valley is estimated to cost approximately \$500,000 there could be considerable efficiencies gained by combining and narrowing the focus of these two proposed studies.

A combined study would assess habitat quality, access to urban open space, low impact recreation and educational uses, wildlife and habitat restoration and protection and watershed improvements along the rivers and watersheds as well as the Rim of the Valley corridor surrounding the San Fernando and La Crescenta Valleys. This latter corridor consists of portions of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and the connector to Los Padres, Angeles, and San Bernardino National Forests.

Properties on the National Register of Historic Places are found within this area. Old stagecoach stops and images of the Wild West still exist. The Ronald Reagan Presidential Library is located within the Simi Hills. Amtrak's Coast Starlight line travels past many of these rich cultural and natural motifs. The area supports a diverse system of plants and animals, including 26 distinct plant communities and over 400 vertebrate species.

The National Park Service has some familiarity with this region and watersheds. Santa Monica Mountains National Recreation Area provides protection for 153,750 acres while providing recreational opportunities for approximately 530,000 visitors annually.

A study would outline public-private partnerships, which are core to preserving large tracts of open space such as are included in this study and which have been successful in the protection of Santa Monica Mountains National Recreation Area since it was authorized 25 years ago.

The Department feels that the provision in S. 2571 that establishes a 17-member advisory commission is unnecessary. Any Special Resource Study undertaken by the National Park Service will entail extensive public outreach with members of the public and local governments, extended comment periods, and more complex analyses because issues and options in a large, urban area with such a diverse and extensive group of stakeholders at all levels of government would be considered.

This concludes my testimony. Thank you for the opportunity to discuss this issue and I would be willing to answer any questions you may have on the issue.

PREPARED STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2595

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 2595. This bill would allow Mesa Verde National Park to enter into a partnership with the Mesa Verde Foundation, associated tribes and others, to raise funds to construct and operate the Mesa Verde Cultural Center on lands outside the park owned by the Mesa Verde Foundation.

The Department recognizes the needs that S. 2595 is seeking to address. However, the Department cannot support the bill because it would circumvent our process for identifying park priorities and eliminating the deferred maintenance backlog in our national parks. The Department is committed to supporting the President's Initiative to eliminate the park maintenance backlog, and we believe funds are more appropriately directed at this time to reducing the long list of necessary but deferred construction projects.

The Park has had a very successful partnership with the Mesa Verde Foundation, and they have been working together on the Cultural Center concept for many years. However, there are a number of unresolved issues remaining, including the

location of the center, the amount of funding that would be required from the National Park Service and the relationship of the center to other service-wide priorities. Even though the proposed center has been analyzed in an environmental assessment, it has not been subject to the internal review and priority-setting process used for line-item construction projects. Given the proposed cost of \$50,000,000, at least a portion of which could come from appropriated funds, review by the Service-wide Development Advisory Board would be valuable in ensuring that the proposed center is designed in a sustainable and cost-efficient manner. These issues need to be resolved before this proposal is ready for authorization.

S. 2595 would authorize the Secretary of the Interior to collect and expend donated funds and expend appropriated funds for the design, construction, maintenance, and operation of a cultural center and related facilities. The purpose of the cultural center and facilities would be to accommodate visitors, to protect artifacts and archival materials, and for the administration of Mesa Verde National Park. The bill provides that the cultural center and facilities would be built on privately owned lands located outside and adjacent to the boundary of the park.

In the environmental assessment referenced earlier, the Park also analyzed a new visitor center, which would serve as the educational link connecting visitors to the park, regional resources and the modern-day tribes. Park visitors have long complained, especially during the winter months, about the 15-mile drive into the park, up a long, steep, narrow winding road to get to the Far View Visitor Center. The environmental assessment also analyzed having a small component of the cultural center to be dedicated to park administrative functions. This would locate the staff in close proximity to the associated communities and partners.

The Department recognizes the deficiencies S. 2595 seeks to address, particularly concerning inadequacies associated with the current curatorial facilities. As we continue to make progress on the maintenance backlog, we will begin to identify additional high priority needs for future action. Addressing the curatorial needs at Mesa Verde National Park will likely emerge as a significant priority from the National Park Service's ongoing review process. We look forward to working with Senator Campbell and the Committee in addressing this deficiency.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.

PREPARED STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON H.R. 1925

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 1925. This bill would require the Secretary of the Interior to conduct a study to determine the national significance, suitability and feasibility of designating the Waco Mammoth Site in Waco, Texas as a unit of the National Park System. H.R. 1925 passed the House of Representatives on May 14, 2002.

The Department supports this bill. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 34 studies pending, of which we expect to transmit four to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to reduce the deferred maintenance backlog. As such, the Department will identify all acquisition, one-time and operational costs of the proposed site. At this time, those costs are unknown.

H.R. 1925 calls for the completion of a special resource study of the Waco Mammoth Site that determines the national significance, suitability and feasibility of designating the site as a unit of the National Park System. The bill calls for the study to be completed under the guidelines in P.L. 91-383 and submission of the study results to Congress not later than three years after funds are first made available for the Act.

The Waco Mammoth Site area is located near the confluence of the Brazos and the Bosque rivers in Central Texas, not far from the city of Waco. Baylor University has been investigating the site since 1978 after hearing about bones emerging from eroding creek banks that led to the uncovering of portions of five mammoths. Since then several additional mammoth remains have been uncovered—making this the largest known concentration of mammoths dying from the same event.

The discoveries have received international attention, with archeologists and paleontologists from Sweden and Great Britain visiting the site. Many of the remains

have been excavated and are in storage or still being researched. The University and the city of Waco have been working together to protect the site, as well as develop further research and educational opportunities.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other members of the subcommittee may have.

Senator AKAKA. Now we will hear from Ms. Mellon. Your statement, please.

**STATEMENT OF LORI A. MELLON, EXECUTIVE DIRECTOR,
MESA VERDE FOUNDATION**

Ms. MELLON. Thank you. Mr. Chairman, members of the Park Subcommittee, thank you for inviting us here today. It is an honor to come before you and tell you about this marvelous and urgently needed project to create a cultural center for Mesa Verde National Park and the thousands of visitors who come to the park each year.

My name is Lori Mellon, and I am representing Mesa Verde Foundation. We are here to ask your help in making possible this unique public-private partnership and move it forward expediently.

S. 2595 will enable private lands, which are those owned by the Mesa Verde Foundation, and donated funds to be used to help design and construct a facility to welcome park visitors and to care for, store, research, and display roughly 3 million artifacts from Mesa Verde.

The passage of this bill will give the imprimatur to the partnership, thereby endorsing our mission and allowing us, in partnership with the park, to go forward with planning, fundraising, designing, and building the cultural center. Without its passage, we can do none of this.

To accomplish our objective requires relationships between the Government and various partners. Notable precedents exist, including Rocky Mountain National Park and Rocky Mountain National Park Associates, Inc. They are a nonprofit organization. Deputy Director Jones was personally involved with this project.

Mesa Verde Foundation is Mesa Verde National Park's primary partner. We were founded in 1997 as a nonprofit organization with a mission to promote an understanding of the cultural and natural resources connected with, and to fund charitable and educational endeavors for, Mesa Verde National Park. Our current efforts and activities are directed to establishing a cultural and visitor center complex at the entrance to the park.

In anticipation of building a cultural center, the foundation, more than 2 years ago, purchased a 37½ acre tract of land adjoining the entrance to the park. The approved environmental assessment, which Senator Campbell mentioned, identifies the foundation's property as the ideal site for the proposed center. The successful completion of the environmental assessment and its approval with a signed finding of no significant impact have allowed the park and the foundation to take the next critical step: that is, to seek the support of Congress to enact legislation essential to permitting the construction of the proposed cultural center on property owned by the foundation.

To date, we have made significant progress on our mission. In addition to the land acquisition, we have established a professional office and staff to begin planning for the next phase of the project. We are in the process of identifying other partners who will include

the 24 associated Tribes and Pueblos of Mesa Verde and the park's museum association. We must codify their roles and responsibilities. And I can tell you that is in process and in draft and discussion as I speak.

I would like to take a moment to share our vision of the cultural center, to discuss why it is critical to the operation and continued success of Mesa Verde National Park and help you understand why its making would so engage ordinary citizens to the point of giving of their own time, goodwill, and personal funds.

In its public functions, the cultural center will welcome visitors and offer amenities, such as ticketing, eliminating the need to drive 20 miles into the park just to learn if they will be able to see the spectacular cliff dwellings during their visit. They will be able to preview the architectural wonders and works of the ancestral Pueblo people. They will be introduced to the spiritual and sacred beliefs of the 24 associated Pueblos and Tribes who, for the first time, will be able to share their culture, heritage, and history on the site where their ancestors lived.

The cultural center will have ample space to exhibit more of the priceless historical and prehistoric artifacts from the park's collection, as well as contemporary works by associated Tribe members. Finally, researchers, Tribes, and the public will have access to the collection and archives for examination, education, and inspiration.

Behind the scenes, the cultural center will serve to overcome serious inadequacies in the existing storage structure through a purposely built, state of the art collections storage and study facility. The cultural center will also provide employees with safe and adequate working conditions, which do not exist at present.

Current value analysis planning calls for a complex of 96,000 square feet to house curation, exhibition, visitor, and administrative services. It will also include an additional 36,000 square feet for outdoor interpretive plazas and a large amphitheater. The cultural center's design will reflect environmental responsibility and energy efficiency. It will be visually compatible with the natural surroundings and relate to other historic architecture in the park. Over time, the cultural center will take on historic value to our Nation.

The history of our Nation's commitment to Mesa Verde encompasses nearly 100 years. The act of June 29, 1906, created Mesa Verde National Park to preserve from injury or spoliation the magnificent cliff dwellings and other archeological sites and artifacts of the prehistoric people that once lived there. Subsequent park planning has long identified the need to better serve visitors and provide improved storage, access, and display of the collections.

The service has outgrown the small historic structures on the Mesa and, to function effectively, requires space that is just not available within park boundaries. The foundation site for the cultural center will not impact the integrity of the park or its archeological sites. Yet it will preserve the historic approach to the park.

The cultural center will directly fulfill essential aspects of the park's mission to advance archeological science, provide for the education and enjoyment of the park's resources by future generations, and recognize and respect the values and traditions of the associated Native American Tribes.

Mesa Verde contains some of the most extraordinary and best-preserved archeological sites in the Nation and the world. Mesa Verde was among the original 12 locations chosen by UNESCO in 1978 as a world heritage site. In 1999, the White House Millennium Council and the National Trust for Historic Preservation honored Mesa Verde as an American treasure.

S. 2595 is the next benchmark in the development of the cultural center. Similar legislation has been introduced in the House. With your support and endorsement by means of this legislation, Mesa Verde National Park and Mesa Verde Foundation, as well as all other partners, interested parties and friends, can go forward in bringing closer to realization the cultural center at Mesa Verde National Park.

To Senator Campbell, we proffer our thanks and gratitude for his interest and support of both our partnership and the development of the center.

Mr. Chairman, I thank you again for the opportunity to talk with you and the subcommittee. And with this, I conclude my prepared remarks. I would be pleased to take any questions you may have.

Senator AKAKA. Thank you very much for your testimony.

We have questions for both of you. And I will begin with Mr. Jones.

My first question involves S. 2595, the Mesa Verde cultural center. I understand the administration's general policy to focus resources on deferred maintenance projects, the backlog. But apart from this issue, is a primary concern with this bill the use of Federal funds to build a center on private lands, or is this a project that, in your opinion, is not ready for authorization at this point in time?

Mr. JONES. Mr. Chairman, we hope we are very close. We feel a major concern we have in the bill as currently drafted is the authorization to expend Federal construction dollars on privately owned lands, because we are very concerned about how we can ensure the protection of the taxpayers' investment on those privately owned lands.

There is no doubt, for example, of the tremendous need for curatorial storage protection. The remainder of the scope of the project, to my knowledge, has not gone through a National Park Service review to agree upon how much at the facility is needed and what are the priorities for implementing the program.

We are also concerned, and I contrast this with two other examples, Gettysburg National Military Park and Rocky Mountain National Park, that before we began the process, we had very clearly agreed upon, written and signed documents that outlined the scope of who was providing what funding and what is the future obligation of the United States in the completion of this project. And at this point, especially given the scale of the project, we are concerned about the potential liability of the United States.

Senator AKAKA. I understand that one of the primary purposes of the center is to provide proper storage for many of Mesa Verde's artifacts. If construction of the cultural center is deferred, what is the cost to the Park Service in terms of potential damage to these artifacts? Is there a threat that some of them could be damaged by remaining in inadequate storage conditions?

Mr. JONES. Yes, Senator, there is that concern. A lot of the artifacts have recently been moved into temporary storage on a short-term basis. And we do have an urgent need of finding a long-term solution as quickly as possible.

Senator AKAKA. With respect to the L.A. River study, S. 1865, the intent is clearly to assess a variety of options for recreational use and open space protection of the L.A. River, not to study the potential for a traditional national park, such as Yosemite or Yellowstone. Are there any existing units of the National Park System that might serve as appropriate models for this study?

Mr. JONES. We have had some expertise in places like Mississippi River and places like the Chattahoochee River outside of Atlanta that could serve as models. Our agency has extensive experience with the relatively new concept of heritage areas, which are public-private partnerships, not as units of the National Park System, where we offer expertise to the local communities on how to protect resources.

Senator AKAKA. Mr. Jones, in your testimony about the Waco Mammoth site study bill, H.R. 1925, you indicate that this is the largest known concentration of mammoths dying from the same event. I am curious. What killed the mammoths at this site? And what can the fossils at this site tell us about the events that took place?

Mr. JONES. The event appears to have been a heavy rainstorm that resulted in a flood that trapped and drowned the mammoths into the mud, which is also what helped preserve the remains. As the paleontologists have looked at the remains, there are some behavioral characteristics of the animals that can be learned, as one animal apparently from its position and action was trying to save a younger member of the herd. So both animal behavior and just a great deal of public information about the biology of the mammoths can be learned from this site.

Senator AKAKA. Thank you.

Let me ask for questions from Senator Thomas.

Senator THOMAS. Thank you, sir. I have several. I will do it very quickly. And if you can answer quickly, that will be fine.

How many studies did the Park Service do in 2002, or will you do?

Mr. JONES. We will complete another 4 by the end of the year. And I am not current—and I know you always ask, and I apologize. I do not have the current number for this year. But we still have a tremendous backlog.

Senator THOMAS. You have 34 pending now.

Mr. JONES. Yes, sir.

Senator THOMAS. You will do 4 more.

Mr. JONES. Yes, sir.

Senator THOMAS. I guess I—we put studies in the bill in 1998, of course, and I am pleased with that. But if you are going to do studies in a timely way, it looks like you are going to have ask for some money to do it more quickly.

Mr. JONES. And at this point, we are not asking for an increase in the funding for studies. And your earlier statement is correct, it would be a few years before we would be able to initiate this study. Our approach has been not to try and prioritize one study

versus another, but match the needed funding with what we have and try to do them in the order in which they were approved by the Congress.

Senator THOMAS. I just think that a 3-year wait or 4-year wait is going to be a little—people are going to be a little impatient, if that is the case, over time.

Mr. JONES. Yes, sir.

Senator THOMAS. May I just digress a second and ask that the statement from Senator Allen from Virginia be included in the record? He was unable to be here today.

Senator AKAKA. His statement will be included in the record.

Senator JONES. Thank you.

[The prepared statement of Senator Allen follows:]

PREPARED STATEMENT OF HON. GEORGE ALLEN, U.S. SENATOR FROM VIRGINIA

Mr. Chairman, I thank you for holding a hearing in your Subcommittee on the subject of the George Washington Birthplace National Monument. This historically significant landmark is located in Westmoreland County, Virginia on the Potomac River side of the "Northern Neck." I strongly believe the birthplace of our nation's first President and a key Founding Father should be preserved as a hallowed ground for all who wish to visit, enjoy and learn.

The bill, which is currently before the Subcommittee, S. 1943, will modify the boundaries of the George Washington Birthplace National Monument to include an additional 115 acres in Westmoreland County. The prospective 115 acres are currently owned by the Muse Family, who are presently "willing sellers" of the land. The Secretary of the Interior is authorized to acquire land from willing sellers by donation, purchase with donated money or appropriated funds or exchange.

The George Washington Birthplace National Monument currently encompasses approximately 550 acres of land. The purpose of acquiring this additional land is to preserve the pastoral, bucolic setting and prevent development of proposed condominiums on the adjoining land.

Scholars, historians and common citizens have made the pilgrimage to the birthplace of George Washington since 1815. Visitors from all over the world have journeyed to the Commonwealth of Virginia to see the place where the first President of the United States was born. Today, this 550-acre park memorializes the life of George Washington and the place of his birth. The park now includes a Visitors Center that coordinates activities and houses exhibitions. There is also an oyster shell outline, which is the brick foundation of the house where George Washington was born. The Washington family cemetery where George Washington's father, grandfather, and great-grandfather are buried are also on the grounds.

The National Park Service now maintains the Memorial House, kitchen, and typical plantation surroundings on the property. There is also a picnic grounds area with a nature trail for hikers and other outdoors enthusiasts, along with the Potomac Riverbeach area.

George Washington Birthplace National Monument calls to mind the spirit and feel of the typical 18th century Virginia tobacco farm. The historic buildings in the area, groves of trees, various herds of livestock, beautiful gardens, as well as peaceful rivers and creeks were the earliest scenes of George Washington's childhood. The setting at George Washington Birthplace National Monument interprets the childhood setting which greatly influenced the formative years of George Washington and later the man and leader that he became.

It is interesting to note that George Washington later lived as a child at Ferry Farm on the Rappahannock River near Fredericksburg. And then, as an adult, we know he created and operated the several farms adjoining Mount Vernon, up river on the Potomac in Fairfax County.

As you know, George Washington was Commander-in-Chief of the Continental Army, President of the Constitutional Convention, and the first President of the United States of America. George Washington was the one man who possessed the skills that would defeat the greatest military power on earth at the time, unite thirteen diverse colonies into the first successful republic since Rome, and lend his character to the newly created Office of President. His leadership in this country's infant stages cannot be overstated.

The commemoration of Washington's many significant contributions to the United States has overshadowed much of his early, formative years. The humble beginnings

of George Washington influenced his character and ambition as he attempted to distinguish his efforts in Colonial Virginia society.

This bill has been favorably reviewed by the National Park Service, which also includes the salient preconditional fact that the current landowners are willing sellers. Also, importantly to me, the Westmoreland County Board of Supervisors are honored and privileged to have George Washington Birthplace National Monument in their county and also strongly support the expansion of the park. This is a positive opportunity for all parties involved.

Mr. Chairman, I strongly support this legislation, along with my distinguished colleague from Virginia, and hope to soon see the bill on the floor of the U.S. Senate. Thank you once again for holding this hearing to expand the George Washington Birthplace National Monument and I respectfully request its favorable passage.

Senator THOMAS. Let me see.

The combined study, then, I understand that in this Rim of the Valley corridor that you would promote the idea of having it jointly with the Forest Service and see if you can work out something that way.

Mr. JONES. Yes, sir. From what we know, we have a good relationship with the Forest Service, especially from our unit at the Santa Monica Mountains National Recreation Area. And our experience has been that we think they are doing an excellent job.

Senator THOMAS. Good. It looks like it is some combination there.

In Waco with the mammoth study site, the city of Waco and Baylor University have been handling this now for 23 or 24 years.

Mr. JONES. Yes, sir.

Senator THOMAS. What is wrong with that?

Mr. JONES. It is my understanding that they have been endorsing this particular study.

Senator THOMAS. Oh, I am sure they have.

Mr. JONES. Well, as we complete—the proper answer to your question, I mean, certainly is we would conduct the study. It needs to look at and explore all the options for protection of the resource.

Senator THOMAS. But it is being protected, is my point. Do you consider that when you do the study, or do you think that everything that anyone sends up should obligate the Park Service to do it? I think we are going to have to start making some decisions. You do not have enough money. We hear that from you five times a year. And yet this is likely—most of this is to get the financing over to the Federal Government, rather than for them.

Mr. JONES. Yes, sir.

Senator THOMAS. Well, I think you ought to just take a look at it and see if it—I mean, it is something that needs to be saved. But whether it needs to be in the park units, I think, is really an issue.

Mr. JONES. And I would agree with you completely on that.

Senator THOMAS. And you mentioned the heritage systems. We do not have any definition or criteria for what they are. How far do we go with national park facilities, as opposed to local and State? So, you know, at any rate, I hope you will project some of that in the studies, as they come by.

Mr. JONES. It certainly is an issue that we share your concern about because, as the Senator knows, we are having a great deal of difficulty taking care of what we have now.

Senator THOMAS. Yes. Well, and there should be some criteria for what falls in more likely to be a national park or a national responsibility. And, gosh, a lot of the good things we have in this country are local and State. The State park system is excellent.

So, in any event, thank you, Mr. Chairman.

Senator AKAKA. Thank you very much.

Senator CAMPBELL.

Senator CAMPBELL. Thank you, Mr. Chairman. I am happy to report that S. 2595 does not need any further studies, at least to my knowledge.

Ms. Mellon and I are on the same side of this issue. So I do not have any questions for her, except perhaps one, because it keeps coming up. I am sure you have noticed that. And that is the responsibility of the Federal Government from the standpoint of money. Does the foundation intend to have the Federal Government pay for part of this facility? If so, what? And what percent?

Ms. MELLON. The foundation needs to conduct a feasibility study to see if the money is out there to support the cost of the proposed cultural center. We feel very strongly that a public-private partnership will be required to reach the goal of funding the entire cultural center.

Senator CAMPBELL. Well, you said it would be 96,000 square feet. So what would be—

Ms. MELLON. Of internal space.

Senator CAMPBELL. What would be the estimated cost of a building?

Ms. MELLON. The entire complex is estimated at about \$50 million.

Senator CAMPBELL. \$50 million. Okay.

Ms. MELLON. Yes.

Senator CAMPBELL. I have some questions for Randy Jones, but I do not want to make him mad, because we have a lot of work to do on this bill together. But let me ask you a couple anyway.

Senator AKAKA. You had better stop now.

Senator CAMPBELL. Stop right now?

[Laughter.]

Senator CAMPBELL. Have you visited this facility, this literal tin shed, this great big barn of a building where they house all this stuff, Randy?

Mr. JONES. No, sir, I have not.

Senator CAMPBELL. Well, I would encourage you—

Mr. JONES. I have been to the park, but I have not—

Senator CAMPBELL [continuing]. If you are in that area to drop by and see it. I was amazed that they would keep such priceless things in a building that was, in my view, rather dilapidated.

As I read the language, let me just say this provision in the bill says, "The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds." Authorized, but it does not require her to do anything. But you still have some problems with that provision, apparently.

Mr. JONES. Yes, sir, we do.

Senator CAMPBELL. Okay. We can work on that.

I understood, also, that there was a line item of \$6 million in the President's budget for phase one construction in 2006, but it was taken out. Is that correct?

Mr. JONES. That is correct, because it was—in the review process that went through, at this point we felt it was not ready for actually putting into the President's budget. And some of the questions

that need to be answered, for example, are where it would go and on whose land it would go. There is no doubt in my mind, from the studies that have been identified to date, that for the curatorial storage facility aspects that have been the most extensively studied, the various needs there, that it would rank as a very high priority, if it was being proposed to be put on Federal lands.

Senator CAMPBELL. You were at Rocky Mountain National Park.

Mr. JONES. Yes, sir.

Senator CAMPBELL. Just in a quick capsule, what is the difference between the facility we built at Rocky Mountain National Park, or was built, as a visitor center that was, as I understood, outside the park gate and this one?

Mr. JONES. The difference was the one at Rocky Mountain National Park had no Federal funds in the design or the construction of the facility. And we also had, before we came to you, a signed written agreement that outlined exactly what we were doing and whose obligation every component of the project was going to be.

Senator CAMPBELL. Okay.

Mr. JONES. So we had knowledge going in, essentially.

Senator CAMPBELL. Yes. Well, we can work on that.

Under the Secretary's current authority, what if somebody won a bunch of money, and they wanted to donate it, \$100 million to build a storage facility on foundation land, but they gave it to the Secretary? Can the Secretary use those funds or accept it without congressional approval?

Mr. JONES. To actually construct the facility outside the park we could not expend those funds.

Senator CAMPBELL. You could not. Even if somebody wanted to give you the money, you could not accept it or use it?

Mr. JONES. We could not use it. Well, if we cannot use it, we cannot accept it.

Senator CAMPBELL. You could with congressional approval.

Mr. JONES. With congressional approval. And that gets back, Senator, to your distinction with Rocky Mountain National Park. There, the authorization was very simple, authorizing us to expend operating funds, maintenance funds in the operation of the facility, and authorizing us to accept the donations.

Senator CAMPBELL. Good. See, Lori is taking notes there? That is good.

[Laughter.]

Senator CAMPBELL. What about if they built a facility on their land, could the Park Service have a ranger staff that facility?

Mr. JONES. Yes, sir.

Senator CAMPBELL. It could?

Mr. JONES. Yes, sir.

Senator CAMPBELL. With your budget?

Mr. JONES. Yes, sir.

Senator CAMPBELL. Well, I think I understand where we need to go, Mr. Chairman.

Mr. JONES. And, Senator, one—

Senator CAMPBELL. Oh, maybe one—excuse me.

Mr. JONES. We definitely want to work with you to make this work.

Senator CAMPBELL. Well, we will. Maybe one other question, too: This old building, that current facility was targeted for replacement 20 years ago, as I understand.

Mr. JONES. Twenty years ago.

Senator CAMPBELL. So it is way past overdue. Why was it not on the deferred maintenance list? Why has it been waiting so long to be upgraded?

Mr. JONES. I do not know that it is not on the maintenance list. But as far as why it has not been upgraded to date is, it gets back to the current \$4.6 billion backlog of deferred maintenance we have.

Senator CAMPBELL. Okay. But are there things in worse shape than that that are in a higher priority?

Mr. JONES. That would be a higher priority? Yes, sir, there would be.

Senator CAMPBELL. I think that is all the questions I need to be able to work with, Mr. Jones. Thank you.

Senator AKAKA. Thank you for your questions.

Mr. JONES. But we definitely want to work with you, Senator.

Senator CAMPBELL. Looking forward to it. Thank you.

Senator AKAKA. Thank you for your questions, Senator Campbell. I think it appears that you have plans as to how you are going to work this out.

Senator CAMPBELL. Got plans.

[Laughter.]

Senator AKAKA. Ms. Mellon, I have one question for you. And maybe this will resolve the problems. But one of the issues with this bill is a concern over using Federal funds for a facility on private lands. To address this concern, and since the foundation owns the land currently, and this is just a question that might resolve the situation, has the foundation ever considered donating the land to the National Park Service to allow for its addition to Mesa Verde?

Ms. MELLON. Certainly that is under discussion, and we are talking about it again, as I sit here in Washington. There are many opinions as to ways this can be accomplished. And we want to obviously make it happen and make it work the right way. I know that in similar instances donations of land that have been non-Federal have been written into the agreements for 20 years hence, or could be extended another 20 or another 20.

There have been discussions about outright donation, rental, purchase. The point being: the reason that we are thinking about it the way that we have approached you is because that allows us to go after the philanthropic dollar. If this is Federal land, Federal property, Federal employees, Federal collections, there is no chance of raising outside private funds. And this way there is.

And since we are talking about such a huge amount of money here, and \$50 million is nothing to sneeze at, we want to approach every possible source. So that is why we have approached it in the way that we have, sir.

Senator AKAKA. Mr. Jones, would you like to comment?

Mr. JONES. The transfer of the property to the National Park Service would solve most of the problems that have been identified in the discussion today from our opinion. I also respectfully have

a different view on the ability of fundraising, based on my own experience.

I mean, on the Rocky Mountain National Park we were raising anywhere from \$1 million to \$3 million a year in donated funds for construction projects on Federal lands within the national park. On a nationwide basis, we are raising hundreds of millions of dollars for projects on Federal lands in national parks.

Senator AKAKA. Thank you for your responses.

Are there any further questions?

Well, I want to thank my witnesses today. And what you have done is you have been very helpful to our making our decisions on this committee.

So this concludes our hearing. We will keep the record open for 2 weeks, if anyone wishes to submit additional comments on any of these bills.

The subcommittee is adjourned.

[Whereupon, at 3:41 p.m., the hearing was adjourned.]

[The following letter was received for the record:]

CONGRESS OF THE UNITED STATES,
Washington, DC, July 18, 2002.

SUBCOMMITTEE ON NATIONAL PARKS,
Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN AKAKA, RANKING MEMBER THOMAS, AND MEMBERS OF THE SUBCOMMITTEE: We are sending this letter to express our strong support of H.R. 1925, the Waco Mammoth Area Study Act, and to ask for yours. The Waco Mammoth Site has local, national and international significance as the world's largest known concentration of prehistoric mammoths that died from the same event.

The Waco Mammoth Site Study Act authorizes a study by the National Park Service to consider including the Waco Mammoth Site as a unit in the National Park System. This bill was passed by the House of Representatives on May 14, 2002, and now awaits consideration by your Subcommittee. Because there are numerous different categories in the National Park System, such as a national monument or a cultural historical site, this study will determine the appropriate designation, if any, for the Waco Mammoth Site.

Over 28,000 years ago, a mud flood overcame a herd of mammoths. While not able to move to safety, the mammoths were able to form a protective stance over their young. In fact, the mud engulfed one 55-year old male and 45 year-old female mammoth as they tried to use their tusks to lift their young calves to safety. This parental instinct is the first known recording in history. So far, the bones of twenty-four mammoths have been found.

The site was discovered in 1978, and Baylor University's Calvin Smith has led the research effort since 1984. This site and Smith's research have received worldwide attention. Experts such as Dr. Gary Haynes of the University of Nevada at Reno have said that the Waco Mammoth Site is a valuable and unique treasure that should not be lost. Dr. Haynes states that the mammoth site "is a part of America's rich heritage from the far past, when a much more diverse animal community populated the continent." In fact, the Department of Interior hopes that the Waco Mammoth site will be an example of a "living laboratory" for which we can continue to learn about life before us. The Mammoth Site can also be a valued learning tool for school children of various grade levels throughout much of Texas, as well as a site of study for professional paleontologists.

We appreciate your time and consideration of this important bill, and hope you will support its passage.

Sincerely,

KAY BAILEY HUTCHISON.
CHET EDWARDS.